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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Third Committee

Rapporteur: Mr. Naif Bin Bandar **Al-Sudairy** (Saudi Arabia)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on the item at its 44th and 46th to 49th meetings, on 12 and from 15 to 17 November 1999, and took action at its 45th, 50th and 52nd to 54th meetings, on 12 and from 17 to 19 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/54/SR.44-50 and 52-54).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the United Nations High Commissioner for Refugees, 1998;[1]

(b) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fiftieth session;[2]

(c) Report of the Secretary-General on assistance to unaccompanied refugee minors (A/54/285);

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 12* (A/54/12).
[2] Ibid., *Supplement No. 12A* (A/54/12/Add.1).

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(d) Report of the Secretary-General on the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (A/54/286);

(e) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/54/414);

(f) Letter dated 29 April 1999 from the Permanent Representative of Hungary to the United Nations addressed to the Secretary-General, transmitting a statement issued on 26 April 1999 by the Committee of Ministers of the Council of Europe (A/54/91);

(g) Letter dated 17 May 1999 from the Permanent Representative of Bangladesh to the United Nations addressed to the Secretary-General, transmitting the Hague Agenda for Peace and Justice for the Twenty-first Century, adopted by the Appeal for Peace Conference, held at The Hague from 12 to 15 May 1999 (A/54/98);

(h) Letter dated 19 May 1999 from the Permanent Representative of Hungary to the United Nations addressed to the Secretary-General, transmitting, *inter alia*, the Budapest Declaration and the Declaration on the Kosovo Crisis, adopted by the Committee of Ministers of the Council of Europe on 7 May 1999 (A/54/99);

(i) Letter dated 15 October 1999 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General, transmitting the communiqué of the meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 23 September 1999 (A/54/469-S/1999/1063);

(j) Letter dated 22 October 1999 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General (A/54/489-S/1999/1084).

4. At the 44th meeting, on 12 November, the United Nations High Commissioner for Refugees made an introductory statement (see A/C.3/54/SR.44).

II. Consideration of proposals

A. Draft resolution A/C.3/54/L.57

5. At the 45th meeting, on 12 November, the representative of Chile, on behalf of Chile, Côte d'Ivoire and the Republic of Korea, introduced a draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" (A/C.3/54/L.57).

6. At its 50th meeting, on 17 November, the Committee adopted draft resolution A/C.3/54/L.57 without a vote (see para. 19, draft resolution I).

B. Draft resolution A/C.3/54/L.91

7. At the 50th meeting, on 17 November, the representative of the Russian Federation, on behalf of Armenia, Austria, Belarus, Belgium, Canada, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Kyrgyzstan, Luxembourg, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, Tajikistan, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Follow-up to the Regional

Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States" (A/C.3/54/L.91). Subsequently, Afghanistan, Croatia, Cyprus and Iceland joined in sponsoring the draft resolution.

8. At its 54th meeting, on 19 November, the Committee adopted draft resolution A/C.3/54/L.91 without a vote (see para. 19, draft resolution II).

9. After the adoption of the draft resolution, the representative of Ukraine made a statement (see A/C.3/54/SR.54).

C. Draft resolution A/C.3/54/L.94

10. At the 52nd meeting, on 18 November, the representative of the Sudan, on behalf of Afghanistan, Bangladesh, Botswana, Cameroon, Côte d'Ivoire, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Guinea, the Islamic Republic of Iran, Jordan, Kenya, Madagascar, Malawi, Mauritania, Morocco, Nigeria, Pakistan, Panama, Qatar, Sierra Leone, the Sudan, the Syrian Arab Republic, Turkey and Yemen, introduced a draft resolution entitled "Assistance to unaccompanied refugee minors" (A/C.3/54/L.94). Subsequently, Burundi and the Libyan Arab Jamahiriya joined in sponsoring the draft resolution.

11. At its 53rd meeting, on 19 November, the Committee adopted draft resolution A/C.3/54/L.94 without a vote (see para. 19, draft resolution III).

D. Draft resolution A/C.3/54/L.95

12. At the 52nd meeting, on 18 November, the representative of Denmark, on behalf of Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, Monaco, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Zambia and Zimbabwe, introduced a draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/54/L.95). Subsequently, the Bahamas, Belize, Bosnia and Herzegovina, Gabon, the Federated States of Micronesia, Panama, Solomon Islands, Trinidad and Tobago and Uruguay joined in sponsoring the draft resolution and India withdrew its sponsorship.

13. At the same meeting, the representative of Denmark orally corrected and revised the draft resolution as follows:

(a) In operative paragraph 4, the words "of 12 August 1949 for the protection of victims of war" were replaced by the words "on the law of armed conflict";

(b) Operative paragraph 10, which read:

"10. *Remains* gravely preoccupied with the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration of armed elements into refugee camps, notes in this context that the issue of protection for humanitarian assistance to refugees and others in conflict situations has been debated in the Security Council, and urges States to assume their responsibility, working, where appropriate, with the Office of the High Commissioner and other parts of the United Nations system, to uphold the civilian and humanitarian character of refugee camps and settlements, to identify and separate armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern",

was replaced by a new paragraph, reading:

"10. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, *inter alia*, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations, and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern";

(c) In operative paragraph 23, the words "refugees, returnees and displaced" were inserted before the words "persons of concern".

14. At its 54th meeting, on 19 November, the Committee adopted draft resolution A/C.3/54/L.95, as orally corrected and revised, without a vote (see para. 19, draft resolution IV).

15. After the adoption of the draft resolution, the representative of Singapore made a statement (see A/C.3/54/SR.54).

E. Draft resolution A/C.3/54/L.99

16. At the 52nd meeting, on 18 November, the representative of Algeria, on behalf of the States Members of the United Nations that are members of the Group of African States and Croatia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/54/L.99). Subsequently, Bangladesh, Chile, Colombia, Haiti, Jamaica, Portugal, the Republic of Korea, Spain, Suriname, the United States of America and Venezuela joined in sponsoring the draft resolution.

17. In introducing the draft resolution, the representative of Algeria orally corrected it as follows:

(a) In the last preambular paragraph, the words "comprise the majority" were replaced by the words "are the majority";

(b) In operative paragraph 3, the words "of the thirtieth anniversary" were inserted before the words "of the adoption";

(c) In operative paragraph 22, the words "increasing requirements there" were replaced by the words "increasing needs of refugees".

18. At its 53rd meeting, on 19 November, the Committee adopted draft resolution A/C.3/54/L.99, as orally corrected, without a vote (see para. 19, draft resolution V).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decisions 1999/207 of 2 February 1999 and 1999/282 of 30 July 1999 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the note verbale dated 13 August 1998 from the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General,[3] the note verbale dated 26 May 1999 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Secretary-General[4] and the note verbale dated 20 July 1999 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General,[5]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty-four to fifty-seven States;

2. *Requests* the Economic and Social Council to elect the additional members at its organizational session for 2000.

Draft resolution II
Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995, 51/70 of 12 December 1996, 52/102 of 12 December 1997 and, in particular, 53/123 of 9 December 1998,

[3] E/1998/97.
[4] E/1999/76.
[5] E/1999/112.

Having considered the report of the Secretary-General[6] and the report of the United Nations High Commissioner for Refugees,[7]

Recognizing the ongoing acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States and the necessity to follow up the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States and the subsequent conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,[8]

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support for the national efforts of the countries of the Commonwealth of Independent States aimed at the effective implementation of such responsibilities within the framework of the Programme of Action adopted by the Conference,[9]

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in developing strategies and practical tools for more effective capacity-building in countries of origin and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Welcoming the contributions of those countries that responded to the 1999 appeal launched by the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, and appreciating this tangible encouragement to the countries of the Commonwealth of Independent States and to further inter-agency cooperation,

Taking note of the positive results emanating from the implementation of the Programme of Action adopted by the Conference,

Bearing in mind that a number of the provisions of the Programme of Action are still at the stage of practical formulation and cannot be achieved by 2000,

Taking into account the decision made by the steering group of the Conference to establish a working group to address the issue of follow-up to the Conference,

Convinced of the necessity of continuing to maintain the regional approach for the achievement of effective implementation of the Programme of Action,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that the effective implementation of the recommendations contained in the Programme of Action should be facilitated and can be ensured only through cooperation

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[6] A/54/286.

[7] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 12* (A/54/12).

[8] Ibid., *Fifty-first Session, Supplement No. 12A* and corrigendum (A/51/12/Add.1 and Corr.1), sect. III.B; ibid., *Fifty-second Session, Supplement No. 12A* (A/52/12/Add.1), sect. III.B; ibid., *Fifty-third Session, Supplement No. 12A* (A/53/12/Add.1), sect. III.B; and ibid., *Fifty-fourth Session, Supplement No. 12A* (A/54/12/Add.1), sect. III.B.

[9] A/51/341 and Corr.1, appendix.

and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Noting and reaffirming the importance of the 1951 Convention[10] and the 1967 Protocol[11] relating to the Status of Refugees,

1. *Takes note* of the report of the Secretary-General[6] and the report of the United Nations High Commissioner for Refugees;[7]

2. *Calls upon* the Governments of the countries of the Commonwealth of Independent States, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, and welcomes the positive results achieved by them in the implementation of the Programme of Action adopted by the Conference;[9]

3. *Endorses* the broad consensus reached by the participants in the steering group of the Conference that implementation of the issues outlined in the Programme of Action should be continued and that consideration should be given to a continuation of follow-up to the Conference after 2000;

4. *Calls upon* the countries of the Commonwealth of Independent States and other interested States, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to elaborate concrete proposals for a possible follow-up mechanism to the Conference for the period after 2000;

5. *Invites* all States that have not yet done so to accede to and implement fully the 1951 Convention[10] and the 1967 Protocol[11] relating to the Status of Refugees, while welcoming the accession of Georgia and Kazakhstan to the Convention;

6. *Calls upon* States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for the practical implementation of the Programme of Action;

7. *Invites* international financial and other institutions to contribute to the financing of projects and programmes within the framework of the implementation of the Programme of Action;

8. *Invites* the countries of the Commonwealth of Independent States to intensify bilateral, subregional and regional cooperation in maintaining the balance of commitments and interests in the process leading up to the implementation of the Programme of Action;

9. *Calls upon* the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular principles of human rights and refugee protection, and to lend high-level political support to ensure progress in its implementation;

10. *Invites* the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to enhance their mutual relationship with other key international actors, such as the Council of Europe, the European Commission and

[10] United Nations, *Treaty Series*, vol. 189, No. 2545.

[11] Ibid., vol. 606, No. 8791.

human rights, development and financial institutions, in order better to address the wide-ranging and complex issues in the Programme of Action;

11. *Welcomes* the progress made in building civil society, in particular through the development of the non-governmental sector and the development of cooperation between non-governmental organizations and the Governments of a number of countries of the Commonwealth of Independent States, and notes in this regard the relationship between the progress made in implementing the Programme of Action and the success in promoting civil society, especially in the field of human rights;

12. *Encourages* the involvement of intergovernmental and non-governmental organizations in the follow-up to the Conference, and invites them to demonstrate stronger support for the process of multinational constructive dialogue among a wide range of countries concerned and further action with a view to the full implementation of the recommendations of the Conference;

13. *Emphasizes* the necessity of fulfilling the recommendations contained in the Programme of Action relating to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

14. *Recognizes* the importance of taking measures, on the basis of strict adherence to all of the principles of international law, including humanitarian law and international human rights standards, to prevent situations that lead to new flows of refugees, displaced persons and other forms of involuntary displacement;

15. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the progress achieved in the follow-up to the Conference;

16. *Decides* to continue its consideration of the question at its fifty-fifth session.

Draft resolution III
Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995, 51/73 of 12 December 1996, 52/105 of 12 December 1997 and 53/122 of 9 December 1998,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and development of an emergency kit to facilitate coordination and enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund in the identification

and tracing of unaccompanied minors, and welcoming their efforts in reunifying families of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for reuniting refugees with their families,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further enhanced efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child,[12] and the 1951 Convention[13] and 1967 Protocol [14] relating to the Status of Refugees,

1. *Takes note* of the report of the Secretary-General;[15]

2. *Also takes note* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;[16]

3. *Expresses its deep concern* at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

4. *Stresses* the importance of providing adequate resources for programmes of identification and tracing of unaccompanied refugee minors;

5. *Calls upon* the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing the separation of refugee families, conscious of the importance of family unity;

6. *Calls upon* all Governments, the Secretary-General, the Office of the United Nations High Commissioner for Refugees, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return and reunification with their families of unaccompanied refugee minors;

7. *Urges* the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs and interests of unaccompanied refugee minors and for their reunification with their families;

8. *Calls upon* all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949[17] and related instruments, while bearing in mind resolution 2 adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva in December 1995, and to respect the provisions of the Convention on the Rights of the Child,[12] which accord children affected by armed conflict special protection and treatment;

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[12] Resolution 44/25, annex.

[13] United Nations, *Treaty Series*, vol. 189, No. 2545.

[14] Ibid., vol. 606, No. 8791.

[15] A/54/285.

[16] A/54/430, annex.

[17] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

9. *Condemns* all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

10. *Calls upon* the Secretary-General, the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, the United Nations Children's Fund, other United Nations organizations and other international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

11. *Encourages* the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and to mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors;

12. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution and to give special attention to the girl-child refugee in his report.

Draft resolution IV
Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[18] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fiftieth session[19] and the conclusions contained therein,

Recalling its resolution 53/125 of 9 December 1998,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the injuries and deaths of staff members as a consequence of generalized as well as targeted violence,

Commending States that have successfully implemented durable solutions,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fiftieth session[19] and the conclusions contained therein;

2. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees, and reiterates the need for Governments to continue to facilitate the effective exercise of this function;

3. *Reaffirms* the fundamental importance of the 1951 Convention[20] and the 1967 Protocol[21] relating to the Status of Refugees, in particular their implementation in a manner

[18] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 12* (A/54/12).

[19] Ibid., *Supplement No. 12A* (A/54/12/Add.1).

[20] United Nations, *Treaty Series*, vol. 189, No. 2545.

[21] Ibid., vol. 606, No. 8791.

fully compatible with the object and purpose of those instruments, notes with satisfaction that one hundred and thirty-nine States are now parties to one or both instruments, and encourages the Office of the High Commissioner and States to strengthen their efforts to promote broader accession to these instruments and their full implementation;

4. *Notes* that the fiftieth anniversary of the Geneva Conventions on the law of armed conflict[22] is being commemorated in 1999, and calls upon States and other parties to armed conflict scrupulously to observe international humanitarian law;

5. *Notes* that the thirtieth anniversary of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa[23] is also being commemorated in 1999, and acknowledges the contribution made by that Convention to the development of regional standards for the protection of refugees;

6. *Reaffirms* that, as set out in article 14 of the Universal Declaration of Human Rights,[24] everyone has the right to seek and enjoy in other countries asylum from persecution, and calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international standards;

7. *Emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and calls upon States, the Office of the High Commissioner and all interested parties to turn concentrated attention towards revitalizing old partnerships and building new ones in support of the international refugee protection system;

8. *Stresses* the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and to mobilize resources with a view to reducing the burden borne by States, in particular developing countries, that have received large numbers of asylum-seekers and refugees, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the economic, environmental and social impact of large-scale refugee populations, especially in developing countries;

9. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

10. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, *inter alia*, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations, and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern;

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[22] Ibid., vol. 75, Nos. 970-973.

[23] Ibid., vol. 1001, No. 14691.

[24] Resolution 217 A (III).

11. *Welcomes* the coming into force of the Convention on the Safety of United Nations and Associated Personnel[25] as well as the consideration of initiatives to widen its *ratione persona*, and calls upon States and all concerned parties to take all possible measures to safeguard the physical security and property of the staff of the Office of the High Commissioner and other humanitarian personnel, to investigate fully any crime committed against them and to bring to justice persons responsible for such crimes;

12. *Urges* all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, local integration and resettlement in a third country, as appropriate, reaffirms that voluntary repatriation is the preferred solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community to act in a spirit of partnership to enable refugees to exercise their right to return home in safety and with dignity;

13. *Calls upon* all States to promote conditions conducive to the voluntary repatriation of refugees in safety and with dignity, including conditions furthering reconciliation and long-term development in countries of return, and to support the sustainable reintegration of returnees by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, and urges the Office of the High Commissioner to strengthen its cooperation and coordination with relevant entities, including international financial institutions and non-governmental organizations;

14. *Reiterates* the right of all persons to return to their country of origin, emphasizes in this regard the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

15. *Acknowledges* the desirability of comprehensive approaches by the international community, including comprehensive regional approaches, to the problems of refugees and displaced persons, and notes, in this regard, that capacity-building in countries of origin and countries of asylum can play an important role in addressing the root causes of refugee flows, in strengthening emergency preparedness and response and in providing effective protection and achieving durable solutions;

16. *Urges* States, in cooperation with the Office of the High Commissioner and other relevant organizations, to explore and fully support capacity-building initiatives as part of a comprehensive approach to addressing refugee issues and to take necessary measures to promote sustainable development and to ensure the success of capacity-building activities, and reiterates that such initiatives may include those which strengthen legal and judicial institutions and civil society, those which promote the observance of human rights, the rule of law and accountability and those which enhance the capacity of States to fulfil their responsibilities with respect to persons of concern to the Office of the High Commissioner;

17. *Reiterates* its support for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons on the basis of criteria enumerated in paragraph 16 of its resolution 53/125, and underlines the continuing relevance of the Guiding Principles on Internal Displacement;[26]

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[25] Resolution 49/59, annex.

[26] E/CN.4/1998/53/Add.2, annex.

18. *Calls upon* States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

19. *Urges* States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees, notes the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death, particularly in the context of armed conflict, and to abduction with a view to their forced participation in military activities, and urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse and forced military service, and to prevent their separation from their families;

20. *Recognizes* the special role of elderly refugees within the refugee family, and, bearing in mind that 1999 has been declared the International Year of Older Persons, calls upon States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

21. *Recalls* that the family is the natural and fundamental group unit of society and that it is entitled to protection by society and the State, and calls upon States, working in close collaboration with the Office of the High Commissioner and other concerned organizations, to take measures to ensure that the refugee's family is protected, including through measures aimed at reuniting family members separated as a result of refugee flight;

22. *Notes* that forty-eight States are now parties to the 1954 Convention relating to the Status of Stateless Persons[27] and that twenty States are parties to the 1961 Convention on the reduction of statelessness,[28] recalls paragraphs 14 to 16 of its resolution 50/152 of 21 December 1995, and encourages the High Commissioner to continue her activities on behalf of stateless persons;

23. *Calls upon* Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum, in particular developing countries, countries with economies in transition and countries with limited resources that, owing to their location, host large numbers of refugees and asylum-seekers, stresses the need for the Office of the High Commissioner to be given adequate resources to fulfil its mandated functions, and, in this regard, calls upon Governments to contribute generously to the unified annual programme budget of the Office of the High Commissioner, to support efforts to widen the donor base so as to achieve greater burden-sharing among donors, and to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.

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[27] United Nations, *Treaty Series*, vol. 360, No. 5158.

[28] Ibid., vol. 989, No. 14458.

Draft resolution V
Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 53/126 of 9 December 1998,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969,[29] and the African Charter on Human and People's Rights,[30]

Recalling the Khartoum Declaration and recommendations of the Organization of African Unity Ministerial Conference on Refugees, Returnees and Displaced Persons in Africa, held at Khartoum on 13 and 14 December 1998,

Welcoming decision CM/Dec. 459 (LXX) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its seventieth ordinary session, held at Algiers from 8 to 10 July 1999,[31]

Commending the first Ministerial Conference of the Organization of African Unity on human rights in Africa, held at Grande Baie, Mauritius, from 12 to 16 April 1999, and welcoming the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to resolutely address the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing, in this regard, the need for States to foster peace, stability and prosperity throughout the African continent,

Convinced of the need to strengthen the capacity of States to provide assistance and protection for refugees, returnees and displaced persons, and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Noting with great concern that, despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable, non-discriminatory basis,

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[29] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[30] Ibid., vol. 1520, No. 26363.

[31] See A/54/424, annex I.

Considering that among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the report of the Secretary-General[32] and the report of the United Nations High Commissioner for Refugees;[33]

2. *Notes with concern* that the declining socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Notes* the commemoration in 1999 of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969,[29] appeals to African States that have not yet done so to accede to the Convention, and calls upon States parties to the Convention to reaffirm their commitment to its ideals and to respect and observe its provisions;

4. *Notes also* the commemoration in 1999 of the fiftieth anniversary of the signature of the Geneva Conventions of 12 August 1949,[34] and, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa, calls upon States and other parties to armed conflict to scrupulously observe the letter and spirit of international humanitarian law;

5. *Notes* the need for States to address the root causes of forced displacement in Africa and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance, and to generously contribute to national projects and programmes aimed at alleviating their plight;

6. *Notes also* the link, *inter alia*, between human rights violations, poverty, natural disasters and environmental degradation and population displacement and calls for redoubled and concerted efforts by States, in collaboration with the Organization of African Unity, to promote and protect human rights for all and to address these problems;

7. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and People's Rights, within their respective mandates, in the promotion and protection of human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa;

8. *Notes with appreciation* the positive outcome of all mediation and conflict resolution efforts carried out by African States, the Organization of African Unity and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

9. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the

[32] A/54/414.

[33] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 12* and addendum (A/54/12 and Add.1).

[34] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

10. *Expresses its gratitude* to the international community and to the Office of the United Nations High Commissioner for Refugees for the humanitarian assistance they have continued to render to refugees and displaced persons and to countries of asylum;

11. *Expresses its concern* about instances in which the fundamental principle of asylum is jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

12. *Calls upon* States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection, and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements;

13. *Urges* States and all other actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, and further requests organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

14. *Calls upon* the Office of the High Commissioner, the Organization of African Unity, subregional organizations and all African States, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

15. *Also calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

16. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, as appropriate, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

17. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation and reintegration of all refugees in Africa;

18. *Reiterates* that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149 of 21 December 1995, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

19. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees,

and notes with appreciation that some African countries have offered resettlement places for refugees;

20. *Welcomes* the programmes carried out by the Office of the United Nations High Commissioner for Refugees with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental impact of refugee populations;

21. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

22. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

23. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, of the number of refugees living outside refugee camps in certain African countries, with a view to evaluating and addressing the needs of those refugees;

24. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

25. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

26. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

27. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, takes note, in this regard, of the Guiding Principles on Internal Displacement,[35] and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

28. *Requests* the Secretary-General to submit a comprehensive report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-fifth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2000.

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[35] E/CN.4/1998/53/Add.2, annex.